

1 MARK D. FOWLER, Bar No. 124235
 2 mark.fowler@dlapiper.com
 2 DAVID ALBERTI, Bar No. 220625
david.alberti@dlapiper.com
 3 CHRISTINE K. CORBETT, Bar No. 209128
christine.corbett@dlapiper.com
 4 YAKOV M. ZOLOTOREV, Bar No. 224260
yakov.zolotorev@dlapiper.com
 5 CARRIE L. WILLIAMSON, Bar No. 230873
carrie.williamson@dlapiper.com

6
 7 DLA PIPER US LLP
 7 2000 University Avenue
 East Palo Alto, CA 94303-2214
 8 Tel: 650.833.2000
 Fax: 650.833.2001
 9

10 Attorneys for
 Sun Microsystems, Inc.

11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 NETWORK APPLIANCE, INC.
 16 Plaintiff/Counterdefendant,
 17 v.
 18 SUN MICROSYSTEMS, INC.,
 19 Defendant/Counterplaintiff.

CASE NO. C-07-06053 EDL (JCS)

CHART REGARDING REEXAMINATION STATUS OF UNITED STATES PATENT NOS. 5,819,292, 6,857,001 AND 6,892,211

20
 21 Pursuant to the Court's request at the May 13, 2008 hearing on Sun Microsystems, Inc.'s
 22 ("Sun") Motion for Partial Stay of the Case Pending Reexamination of United States Patent Nos.
 23 5,819,292, 6,857,001 and 6,892,211, Sun and NetApp, Inc. ("NetApp") jointly provide the
 24 following chart regarding the reexamination status of those three patents.
 25

26 ///

27 ///

28

-1-

CHART RE REEXAMINATION STATUS OF
 U.S. PATENT NOS. 5,819,292, 6,857,001 AND 6,892,211
 USDC CASE NO. C-07-06053

1	Patent No.	Asserted Claims	Claims in Reexamination	Type of Reexamination	Reexamination Status
2	6,857,001	1-6, 20-25, 39-44	1-63	<i>Inter partes</i>	<p>Sun filed a request for reexamination as to claims 1-63 based on 12 prior art references.</p> <p>On April 4, 2008, the PTO granted reexamination as to claims 1-63 and issued its Initial Office Action, rejecting all 63 claims.</p> <p>NetApp's response is due on June 4, 2008.</p>
10	6,892,211	1-3, 9-11, 17-19	1-24	<i>Inter partes</i>	<p>Sun filed a request for reexamination as to claims 1-24 based on 13 prior art references.</p> <p>On April 2, 2008, the PTO granted reexamination as to claims 1-24.</p> <p>No Office Action has been issued yet.</p>
16	5,819,292	4, 8, 11-15, 20	1 and 4	<i>Ex parte</i>	<p>Sun filed a request for reexamination as to claims 1-4 and 8-20 based on 6 prior art references.</p> <p>On March 18, 2008, the PTO granted reexamination as to claims 1 and 4.</p> <p>No Office Action has been issued yet.</p> <p>On April 4, 2008, Sun filed a second request for reexamination as to claims 4, 8, 11-15 and 20 based on 11 prior art references.</p> <p>The PTO has not yet made a decision on Sun's second request for reexamination.</p>

1
2 Dated: May 13, 2008
3

DLA PIPER US LLP

4 /s/ Christine K. Corbett
5 Mark D. Fowler
6 Christine K. Corbett
7

Attorneys for
8 Sun Microsystems, Inc.
9

Dated: May 13, 2008
10

WEIL, GOTSHAL & MANGES LLP

11 /s/ Jill J. Ho
12 Matthew D. Powers
13 Edward R. Reines
Jeffrey G. Homrig
Jill J. Ho
14

Attorneys for
NetApp, Inc.
15
16
17
18
19
20
21
22
23
24
25
26
27
28